

## § 21.5103

(3) VA will take no further action on a veteran's application for assistance under 38 U.S.C. chapter 32 unless he or she—

- (i) Reports for counseling;
- (ii) Cooperates in the counseling process; and
- (iii) Completes counseling to the extent required under paragraph (d)(1) of this section.

(Authority: 38 U.S.C. 3241, 3697A(c))

[45 FR 31, Jan. 2, 1980, as amended at 47 FR 51746, Nov. 17, 1982; 53 FR 34497, Sept. 7, 1988; 58 FR 31911, June 7, 1993; 61 FR 29030, June 7, 1996; 61 FR 36629, July 12, 1996]

### § 21.5103 Travel expenses.

(a) *General.* VA shall determine and pay the necessary expense of travel to and from the place of counseling for a veteran who is required to receive counseling as provided under 38 U.S.C. 111 (a), (d), (e), and (g).

(Authority: 38 U.S.C. 111(a), (d), (e), and (g))

(b) *Restriction.* VA will not pay the necessary cost of travel to and from the place of counseling when counseling is not required, but is provided as a result of a voluntary request by the veteran.

(Authority: 38 U.S.C. 111)

[61 FR 29030, June 7, 1996]

#### PAYMENTS; EDUCATIONAL ASSISTANCE ALLOWANCE

### § 21.5130 Payments; educational assistance allowance.

VA will apply the following sections in administering benefits payable under 38 U.S.C. Chapter 32:

- (a) Section 21.4131 —Commencing dates.
- (b) Section 21.4133—Notification of suspension or discontinuance.
- (c) Section 21.4134—Suspension and discontinuance.
- (d) Section 21.4135 (except paragraph (b))—Discontinuance dates.
- (e) Section 21.4138 (except paragraph (b))—Certifications and release of payments.
- (f) Section 21.4146—Assignments of benefits prohibited.

(Authority: 38 U.S.C. 3241(a))

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(g) Section 21.4136(k) (except paragraph (k)(3))—Mitigating circumstances.

(Authority: 38 U.S.C. 3241(a), 3680(a))

[45 FR 31, Jan. 2, 1980, as amended at 46 FR 32024, June 19, 1981; 53 FR 617, Jan. 11, 1988; 55 FR 31582, Aug. 3, 1990; 61 FR 29030, June 7, 1996]

EFFECTIVE DATE NOTE: At 57 FR 38612, August 26, 1992, § 21.5130, paragraph (e) was removed and reserved, effective August 1, 1993. At 58 FR 25565, Apr. 27, 1993, § 21.5130 was further amended by delaying the effective date to August 1, 1999.

### § 21.5131 Educational assistance allowance.

VA will pay educational assistance allowance at the rate specified in §§ 21.5136 and 21.5138 of this part while the individual is pursuing either an approved program of education or a refresher or deficiency course or other preparatory or special education or training which is necessary to enable the individual to pursue an approved program of education. VA will make no payment for pursuit of any course which either is not part of the veteran's program of education, or is not a refresher, deficiency or other preparatory or special education or training course which is necessary to enable the individual to pursue an approved program of education. VA may withhold final payment until it receives proof of the individual's account.

(Authority: 38 U.S.C. 3241; Pub. L. 94–502, 99–576, 100–689)

[55 FR 31582, Aug. 3, 1990]

EFFECTIVE DATE NOTE: At 57 FR 38612, August 26, 1992, § 21.5131 and its authority citation were revised, effective August 1, 1993. At 58 FR 25565, April 27, 1993, § 21.5131 was further amended by delaying the effective date to August 1, 1999. For the convenience of the user, the revised text appears as follows:

### § 21.5131 Educational assistance allowance.

VA will pay educational assistance allowance at the rate specified in §§ 21.5136 and 21.5138 of this part while the individual is pursuing either an approved program of education or a refresher or deficiency course or other preparatory or special education or training course which is necessary to enable the individual to pursue an approved program of education. VA will make no payment for pursuit of any course which either